

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

AUSTYN POSADA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 22-CV-3099
)	
OTTAWA TOWNSHIP HIGH SCHOOL)	Judge
DISTRICT 140,)	
)	
Defendant.)	

NOTICE OF REMOVAL

NOW COMES Defendant, OTTAWA TOWNSHIP HIGH SCHOOL DISTRICT 140, pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1441 to file their Petition for Removal of the case styled *Austyn Posada v. Ottawa Township High School District 140*, pending as Case No. 22 LA 71 in the Circuit Court of Thirteenth Judicial Circuit, LaSalle County, Illinois (“the Complaint”), on the following grounds:

1. Plaintiff filed the underlying Complaint against the Defendant on April 28, 2022. (A true and correct copy of Plaintiff’s Complaint at Law is attached hereto as Exhibit 1.)
2. Plaintiff is a resident and citizen of Ottawa, Illinois which is located in LaSalle County, Illinois.
3. Ottawa Township High School District 140 (“the District”) is a public high school district which is operated and controlled by the Board of Education of Ottawa Township High School District 140 (“Board of Education”) pursuant to the authority vested by the Illinois School Code. The jurisdictional boundaries of the District and administrative offices of the Board of Education are located in Ottawa, Illinois which is located in LaSalle County, Illinois.

4. Plaintiff alleges that the District violated his rights under the Americans with Disabilities Act (“ADA”) and that he is entitled to damages as set forth under 42 U.S.C. §12117a. (See Exhibit 1, ¶3; 24).

5. The claim set forth in the Complaint constitutes a civil action over which the United States District Court properly has original jurisdiction pursuant to 28 U.S.C. §1331 as it presents a claim for a violation of a federal statute, namely, the ADA.

6. Since Plaintiff resides in LaSalle County, the District is located in LaSalle County and the administrative offices of the Board of Education are located within LaSalle County and the interactions described in the Complaint all occurred in LaSalle County, this Court is the proper venue for this claim.

7. As this Court properly has original jurisdiction over the claims set forth in the Complaint and this court is the proper venue for these parties, this matter is properly removed to this Court pursuant to 28 U.S.C. §1441(a).

8. Pursuant to 28 U.S.C. §1446(b)(1), “The notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading ... or within 30 days after the service of summons upon the defendant if such initial pleading has then been filed in court and is not required to be served on the defendant, whichever period is shorter.”

9. The United States Supreme Court has interpreted 28 U.S.C. §1446(b)(1) to require a petition for removal to be filed within thirty (30) days of formal service of process on the defendant. *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344 (1999).

10. The Defendant was served with formal process of service in this matter on May 26, 2022.

11. This Petition for Removal is therefore timely filed as required by 28 U.S.C. §1446(b)(1) since it was filed within 30 days after service of process.

12. The District is the sole defendant in this matter and it consents to removal. As such, the requirements of 28 U.S.C. §1446(b)(2)(A) have been satisfied.

13. A copy of this Petition for Removal will be filed with the Clerk of the Circuit Court of Thirteenth Judicial Circuit, LaSalle County, Illinois, as required by 28 U.S.C. §1446(d).

Respectfully submitted,

OTTAWA TOWNSHIP HIGH SCHOOL
DISTRICT 140

By: /s/ William F. Gleason
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